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HOUSE BILL 482

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Kathy A. McCoy

AN ACT

RELATING TO CONSUMER PRODUCTS; REQUIRING AN AVERSIVE OR BITTERING AGENT IN ANTIFREEZE; PROVIDING FOR A LIMITATION ON LIABILITY; PROVIDING EXCEPTIONS; REQUIRING LABELING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. AVERSIVE OR BITTERING AGENT IN ANTIFREEZE-- LIABILITY LIMITATION-- EXCEPTIONS-- LABELING. --

A. Antifreeze sold in this state after January 1, 2006 that is manufactured after July 1, 2005 and that contains more than ten percent ethylene glycol shall include denatonium benzoate at a minimum of thirty parts per million as an aversive or bittering agent within the product so as to render it unpalatable. Another aversive agent may be used if it meets or exceeds the degree of aversion in test subjects obtained by using the formulation of thirty parts per million of denatonium

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 benzoate. A manufacturer or packager of antifreeze subject to  
2 the provisions of this section shall maintain a record of the  
3 trade name, scientific name and active ingredients of an  
4 aversive or bittering agent used pursuant to this section.  
5 Information and documentation maintained pursuant to this  
6 section shall be furnished to a member of the public upon  
7 request.

8 B. A manufacturer, packager, distributor, recycler  
9 or seller of antifreeze that is required to contain an aversive  
10 or bittering agent pursuant to this section is not liable to  
11 any person for personal injury, death or property damage that  
12 results from the inclusion of denatonium benzoate in ethylene  
13 glycol antifreeze.

14 C. The limitation on liability provided in  
15 Subsection B of this section is only applicable if denatonium  
16 benzoate is included in ethylene glycol antifreeze in the  
17 concentrations mandated by this section.

18 D. The limitation on liability provided in  
19 Subsection B of this section does not apply if the personal  
20 injury, death or property damage results from willful or wanton  
21 misconduct by the manufacturer, packager, distributor, recycler  
22 or seller of the ethylene glycol antifreeze.

23 E. The provisions of this section do not apply to  
24 the sale of a motor vehicle that contains antifreeze.

25 F. A commercial container of antifreeze subject to

underscoring material = new  
~~[bracketed material] = delete~~

1 the provisions of this section shall contain a conspicuous  
2 label in both English and Spanish reading, "This antifreeze  
3 contains a bittering agent".

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